

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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STRIKE 3 HOLDINGS, LLC,

Plaintiff,

- against -

JOHN DOE, as subscriber assigned IP
address 68.174.165.104,

Defendant.
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NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE

USDC SDNY
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ORDER

19 Civ. 733 (NRB)

WHEREAS, on February 2, 2019, plaintiff filed a letter motion for leave to serve a third-party subpoena on defendant's Internet Service Provider ("ISP"), see ECF No. 6; and

WHEREAS, on February 5, 2019, this Court granted plaintiff's letter motion and ordered that, if defendant wished to modify or quash the subpoena or to litigate the subpoena anonymously, defendant should do so within forty-five (45) days of the date of service of the subpoena, see ECF No. 7; and

WHEREAS, this Court ordered that, if defendant moved to quash or to proceed anonymously, the ISP should not turn over defendant's information until the motion was resolved, see id.; and

WHEREAS, on April 1, 2019, defendant pro se filed a motion to quash plaintiff's subpoena that was served on defendant's ISP, see ECF No. 8; and

WHEREAS, on April 15, 2019, plaintiff filed a response in opposition to defendant's motion to quash the subpoena, see ECF No. 11; and

WHEREAS, on April 25, 2019, this Court mailed a copy of plaintiff's response brief to defendant and ordered that, if defendant wished to file a memorandum in reply and in further support of the motion to quash the subpoena, defendant should do so within thirty (30) days; and

WHEREAS, on June 5, 2019, defendant filed a letter requesting to proceed anonymously, see ECF No. 14, which plaintiff does not oppose, see ECF No. 15; it is hereby

ORDERED that, upon due consideration of defendant's motion to quash the subpoena, the motion is denied, see, e.g., Malibu Media, LLC v. Doe, No. 18-cv-6574 (JPO), 2018 WL 5985284, at *2 (S.D.N.Y. Nov. 14, 2018) (collecting cases); and it is further

ORDERED that defendant's motion to proceed anonymously is granted, see, e.g., Malibu Media, LLC v. Doe No. 4, No. 12-cv-2950 (JPO), 2012 WL 5987854, at *4-5 (S.D.N.Y. Nov. 30, 2012), and that defendant may proceed anonymously as John Doe unless and until this Court orders otherwise; and it is further

ORDERED that defendant's ISP may comply with plaintiff's subpoena and provide plaintiff with defendant's personal information; and it is further


ORDERED that defendant's personal information, given to plaintiff by the IPS, shall be known only to plaintiff and this Court and shall not be publicly disclosed; and it is further

ORDERED that the Clerk of Court and plaintiff identify defendant only by defendant's IP address in all public filings; and it is further

ORDERED that, if any further filings make specific reference to defendant in the body of the submission, a redacted version shall be filed on the docket and an unredacted version shall be delivered to chambers for filing under seal; and it is further

ORDERED that the Clerk of Court terminate the motion pending at docket entry 8.

Dated: New York, New York
June 26, 2019


NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE

A copy of the foregoing Order has been mailed on this date via U.S. Mail to defendant.